



Western Australia

Transport Co-ordination Act 1966

Transport (Country Taxi-car) Regulations 1982

Transport (Country Taxi-car) Regulations 1982

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Western Australia

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Transport Co-ordination Act 1966

Transport (Country Taxi-car) Regulations 1982

Part I — Preliminary

1. Citation

These regulations may be cited as the *Transport (Country Taxi-car) Regulations 1982*¹.

2. Commencement

These regulations shall take effect on the coming into operation of the *Transport Amendment Act (No. 3) 1981*¹.

3. Application

These regulations do not apply in a control area.

4. Terms used

In these regulations unless the contrary intention appears —

approved means approved by the Director General;

authorised officer means —

- (a) an officer of the Department authorised in that behalf by the Director General;
- (b) any member of the Police Force;

ordinary taxi-car licence means a taxi-car licence referred to in regulation 9(1);

regulation means one of these regulations;

subregulation means a subregulation of the regulation in which the term is used;

taxi-car licence means an ordinary taxi-car licence or a temporary taxi-car licence;

temporary taxi-car licence means a temporary taxi-car licence referred to in regulation 9(1a).

[Regulation 4 amended in Gazette 20 Dec 1985 p. 4856; 28 Nov 1986 p. 4387; 14 Jul 2006 p. 2575.]

5. Fees

The fees required to be paid by the Act and these regulations are set out in Schedule 1.

[Regulation 5 amended in Gazette 14 Jul 2006 p. 2575.]

[6. Deleted in Gazette 20 Dec 1985 p. 4856.]

7. Conditions of licensing

Any condition attached by the Minister to a taxi-car licence shall be endorsed thereon.

[Regulation 7 amended in Gazette 20 Dec 1985 p. 4856; 24 Mar 1995 p. 1112.]

Part II — Licensing of taxi-cars

8. Application for licence

- (1) An application for the issue of a taxi-car licence shall be made to the Minister in an approved form.
- (2) The Minister, where satisfied —
 - (a) that a vehicle licence is in force under the *Road Traffic (Vehicles) Act 2012* in respect of the taxi-car and that the taxi-car conforms to the requirements of the Act and these regulations relating to taxi-cars; and
 - (b) that the applicant is a fit and proper person to operate a taxi-car and has complied with such reasonable requirements as the Minister may impose,

may, upon payment of the administration fee and the appropriate fee for issuing a licence set out in Schedule 1, issue a taxi-car licence for operation of the taxi-car in the district or districts specified therein.

- (3) A taxi-car licence issued in accordance with subregulation (2) shall specify the maximum number of passengers which the taxi-car may carry at any one time.

[Regulation 8 amended in Gazette 20 Dec 1985 p. 4856; 8 Aug 1986 p. 2827; 27 Sep 1991 p. 5074; 14 Jul 2006 p. 2576; 30 Jun 2009 p. 2663; 8 Sep 2009 p. 3525; 8 Jan 2015 p. 65.]

9. Licences valid for 12 months

- (1) Subject to any conditions attached thereto and to subregulation (2), an ordinary taxi-car licence shall be valid for a period of 12 months from the date of issue or renewal.
- (1a) A temporary taxi-car licence is valid for any period of 2, 4, 6, 8 or 12 weeks as is specified by the Minister in the licence.
- (1b) Subject to any conditions attached thereto and to subregulation (2), a temporary taxi-car licence is valid for the

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period specified therein and shall while in force, have effect as an ordinary taxi-car licence in respect of the area in which it is issued.

- (2) A taxi-car licence remains valid so long, only, as a vehicle licence remains in force under the *Road Traffic (Vehicles) Act 2012* in respect of the taxi-car.

[Regulation 9 amended in Gazette 28 Nov 1986 p. 4387; 8 Jan 2015 p. 66.]

10. Renewal of licence

- (1) Subject to subregulation (2) and regulation 44 an ordinary taxi-car licence may be renewed not earlier than one month before it expires on payment to the Director General of the appropriate fee set out in Schedule 1.
- (1a) A temporary taxi-car licence may not be transferred or renewed.
- (2) The Minister may cancel, suspend or refuse to renew a taxi-car licence if he is satisfied that the taxi-car does not comply with regulation 8(2)(a).

[Regulation 10 (erratum in Gazette 30 Jul 1982 p. 2957); amended in Gazette 20 Dec 1985 p. 4856; 28 Nov 1986 p. 4387; 14 Jul 2006 p. 2576.]

11. Change of owner and transfer of licence

- (1) Where a person to whom a taxi-car licence has been granted ceases to be the owner of the taxi-car he shall —
- (a) forthwith notify the Director General in writing that he has ceased to be the owner of the taxi-car and of the name and address of the new owner of the taxi-car; and
- (b) in the case of an ordinary taxi-car licence, unless the Minister has approved the transfer of the taxi-car licence to the new owner, return the taxi-car licence and the appropriate number plates to the Minister.

- (2) An ordinary taxi-car licence may be transferred by application to the Minister in an approved form.
- (3) On receipt of an application under subregulation (2) the Minister if satisfied —
 - (a) that the taxi-car continues to comply with regulation 8(2)(a); and
 - (b) that the applicant complies with regulation 8(2)(b),may upon payment of the appropriate fee set out in Schedule 1 transfer the licence.

[Regulation 11 amended in Gazette 20 Dec 1985 p. 4856; 28 Nov 1986 p. 4387; 14 Jul 2006 p. 2576.]

12. Vehicle to be approved

- (1) A vehicle shall not be licensed as a taxi-car unless the vehicle in its construction, design, and seating accommodation and in relation to all internal and external fittings and equipment has been approved by the Director General.
- (2) The Director General or an authorised officer may by written notice to an owner or operator of a taxi-car, require the production of that taxi-car at a time and place stipulated in the notice for the purpose of ascertaining whether the taxi-car conforms with these regulations.

[Regulation 12 amended in Gazette 20 Dec 1985 p. 4856.]

[13. Deleted in Gazette 31 Dec 2009 p. 5419.]

14. Number plates

- (1) The Director General shall on payment of the appropriate fee set out in Schedule 1 issue number plates for every vehicle licensed as a taxi-car and a person shall not operate a taxi-car unless the number plates so issued are affixed in a conspicuous horizontal position at the front and rear of that vehicle.

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- (2) Any person having custody of a number plate issued in respect of a taxi-car shall return it to the Director General within 14 days after the taxi-car licence to which it relates ceases to be valid or is surrendered, suspended or cancelled.
- (3) Where number plates have not been returned to the Director General as required by these regulations, the person having custody thereof shall, on demand made by an authorised officer in writing, deliver those number plates to him.

*[Regulation 14 amended in Gazette 20 Dec 1985 p. 4856;
30 Jun 2009 p. 2664.]*

15. Replacement of taxi-car

An owner may apply to the Minister in an approved form, to replace a vehicle licensed as a taxi-car and where that approval is given the replacement vehicle is subject to all the provisions of the Act and these regulations affecting the licensing and operation of a taxi-car and to any conditions imposed on the licence.

[Regulation 15 amended in Gazette 20 Dec 1985 p. 4856.]

16. Removal of vehicle from district

The owner or operator of a taxi-car shall not remove the vehicle from the district specified in the taxi-car licence except on a hiring unless —

- (a) the taxi-car is being removed for repairs and a permit to substitute another vehicle has been obtained in accordance with regulation 15; or
- (b) the written consent of the Director General has been obtained.

[Regulation 16 amended in Gazette 20 Dec 1985 p. 4856.]

17. Substitution of taxi-car under repair

- (1) Where a vehicle licensed as a taxi-car is under repair and cannot be operated, on payment of the appropriate fee set out in

Schedule 1 the Minister or an authorised officer may by permit in the form approved, authorise the owner of that vehicle to operate another vehicle in substitution for that vehicle so licensed and all the provisions of the Act and these regulations affecting the licensing and operation of a taxi-car and any conditions imposed on the licence shall apply to that vehicle.

- (2) A permit issued under subregulation (1) may be revoked by the Minister or the issuing officer, in writing, at any time.

*[Regulation 17 amended in Gazette 20 Dec 1985 p. 4856;
30 Jun 2009 p. 2664.]*

[Part III (r. 18-23) deleted in Gazette 24 Mar 1995 p. 1112.]

Part IV — Conduct of drivers

24. Drivers to be clean and neat

A taxi-car driver shall whilst driving a taxi-car be clean and neat as to clothing, person and general appearance.

[Regulation 24 amended in Gazette 24 Mar 1995 p. 1112.]

25. Conduct of driver

A taxi-car driver shall while operating that taxi-car —

- (a) conduct himself in an orderly manner and with civility and propriety, at all times, and comply with any reasonable requirement of a hirer, or passenger or intending hirer or passenger; and
- (b) afford reasonable assistance to a passenger or intending passenger —
 - (i) by opening the doors, where practicable; and
 - (ii) by loading or unloading that person's luggage into and from the taxi-car;

and

[(c) deleted]

- (d) carry, and produce at the request of an authorised officer the driver's licence document for a licence endorsed with extension T or equivalent evidence of authorisation to drive under the *Road Traffic (Authorisation to Drive) Act 2008*; and
- (e) be constantly in attendance on the taxi-car at any time that it is standing for hire.

[Regulation 25 amended in Gazette 24 Mar 1995 p. 1112-13; 24 Jun 2008 p. 2914; 8 Jan 2015 p. 66.]

26. Obligation on driver

- (1) Subject to this regulation the driver of a taxi-car shall not fail to carry out any hiring accepted, or refuse a hiring where it is lawful for him to accept it.
- (2) A driver is not obliged to accept a hiring where —
 - (a) the intending hirer or an intending passenger is intoxicated, unclean, abusive or violent; or
 - (b) the driver has reasonable grounds to believe that —
 - (i) the intending hirer or an intending passenger, or the point of engagement or the destination, poses a threat to the driver's safety; or
 - (ii) the hiring would result in a breach of a condition imposed by the Director General under section 47ZD(3) of the Act on the operation of the taxi-car; or
 - (iii) the intending hirer or an intending passenger has evaded, or attempted to evade, the payment of a fare or charge for hiring a taxi-car;or
 - (c) the driver requires the intending hirer to pay a deposit under the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 4A and the intending hirer does not pay it; or
 - (d) the number of intending passengers aged 12 or over exceeds the number of available seatbelts in the taxi-car.
- (3) If, during a hiring, a passenger begins to soil the taxi-car or become abusive or violent —
 - (a) the driver may terminate the hiring; and
 - (b) the driver or an authorised officer may request all passengers to alight from the taxi-car; and

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- (c) the driver may require the hirer to pay —
 - (i) the fare that would have been due if the hiring had terminated at that point in the normal course of events; and
 - (ii) in the case of soiling, costs of cleaning mentioned in the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3AB(3).
- (4) A passenger who fails to alight from a taxi-car when requested to do so under subregulation (3)(b) commits an offence.
[Regulation 26 inserted in Gazette 8 Aug 1986 p. 2827; amended in Gazette 14 Jul 2006 p. 2576-7; 28 Jun 2016 p. 2690.]

26A. Passengers not to exceed licensed number

- (1) Where the number of passengers exceeds the number specified on the taxi-car licence issued in accordance with regulation 8 —
 - (a) the driver shall refuse a proposed hiring; and
 - (b) the driver, or an authorised officer may request the hirer or passenger to alight from the taxi-car.
- (2) Any person who fails to alight from a taxi-car when requested to do so under subregulation (1)(b) commits an offence.

[Regulation 26A inserted in Gazette 8 Aug 1986 p. 2827.]

26B. Requirement to carry guide dogs

A driver shall transport a guide dog that is accompanying a passenger who is visually or hearing impaired unless excused from doing so in writing by an authorised officer.

[Regulation 26B inserted in Gazette 14 Jul 2006 p. 2577.]

27. Shortest route

Unless the hirer of a taxi-car directs that it be driven by some other route, the driver shall drive it by the shortest practicable route to the place specified by the hirer.

27A. Display of driver identification

The driver of a taxi-car shall, in the manner directed by the Director General, display an approved identification card in a prominent position in the taxi he is driving.

[Regulation 27A inserted in Gazette 24 Mar 1995 p. 1113.]

Part V — Condition and appearance of taxi-cars

28. Condition of vehicle

A driver shall not stand a taxi-car for hire, or drive it on a public road for reward unless the vehicle —

- (a) conforms to the requirements of the *Road Traffic (Vehicles) Act 2012* and the regulations thereunder; and
- (b) is clean and fit for public use.

[Regulation 28 amended in Gazette 8 Jan 2015 p. 66.]

29. Signs on taxi-cars

- (1) The owner of a taxi-car shall not cause or permit any sign to be displayed on it or fitted to it unless the sign is an approved sign.
- (2) The Director General may in accordance with subregulation (3) direct —
 - (a) that the owner of a taxi-car shall cause it to be fitted with a for hire sign in a position specified in the direction and that a person shall not operate the taxi-car unless it is so fitted with a for hire sign; or
 - (b) that the owner of a taxi-car shall cause it to be fitted with a taxi sign in a position specified in the direction and that a person shall not operate the taxi-car unless it is so fitted with a taxi sign; or
 - (c) that the owner of a taxi-car shall cause it to be fitted with a taxi for hire sign in a position specified in the direction and that person shall not operate the taxi-car unless it is so fitted with a taxi for hire sign,

and where the Director General has so directed the owner and operator shall comply with that direction.

- (3) A direction under subregulation (2) may be given —
 - (a) in respect of a particular taxi-car — by notice in writing served on the owner of the taxi-car;

(b) in respect of taxi-cars of a particular class — by notice published in the *Government Gazette* and in a newspaper circulating in the district or districts in respect of which taxi-cars of that class are licensed.

(4) In subregulation (2) —

for hire sign means an approved sign indicating whether or not the taxi-car is for hire;

taxi for hire sign means an approved sign carrying the word “TAXI” and indicating whether or not the taxi-car is for hire;

taxi sign means an approved sign carrying the word “TAXI”.

[Regulation 29 amended in Gazette 20 Dec 1985 p. 4856.]

[Part VI (r. 30-32) deleted in Gazette 19 Apr 1991 p. 1816.]

Part VII — Taximeters

33. Requirements in relation to taximeters

The owner of a taxi-car shall not cause or permit a taximeter to be fitted to that taxi-car unless —

- (a) he has the prior permission of the Director General to do so or has been directed by the Director General to do so pursuant to regulation 34; and
- (b) it is of an approved type; and
- (c) it is so installed and illuminated that the fact that the taximeter is operating, and the amount of fare being registered, is readily visible to any passenger and to the driver, each from his sitting position, including during the hours of darkness.

[Regulation 33 amended in Gazette 20 Dec 1985 p. 4856.]

34. Director General may direct fitting of taximeter

- (1) The Director General may direct that the owner of a taxi-car shall cause it to be fitted with a taximeter and that subject to subregulation (3) a person shall not operate the taxi-car unless it is fitted with a taximeter, and where the Director General has so directed the owner and operator shall comply with that direction.
- (2) The provisions of regulation 29(3) apply to a direction given under subregulation (1).
- (3) Where a taximeter has been removed from a taxi-car for repair or conversion, a person may subject to subregulation (4) operate the taxi-car using the vehicle's odometer and the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3 will still apply.
- (4) Before a taxi-car is operated, using the vehicle's odometer in accordance with subregulation (3) the operator of the taxi-car shall submit the vehicle to an authorised person to be tested for distance, over a distance of 2 kilometres and an odometer tested

under this subregulation shall not be approved for use on any taxi-car if there is an error of 50 metres, or more, over a distance of 2 kilometres.

[Regulation 34 amended in Gazette 31 Aug 1984 p. 2785; 20 Dec 1985 p. 4856; 27 Jun 1997 p. 3147; 28 Jun 2016 p. 2690.]

35. Inspection before use

- (1) The operator of a taxi-car to which a taximeter has been fitted shall before using that vehicle as a taxi-car —
 - (a) cause the meter to be regulated to record the components of the Schedule 1 fare, as defined in the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 2A, that can be recorded on the taximeter; and
 - (b) submit the vehicle to an authorised person for inspection, testing and sealing.
- (2) The authorised person referred to in subregulation (1) shall test the taximeter for —
 - (a) distance, over a distance of not less than 2 kilometres; and
 - (b) time, over a period of not less than 10 minutes,and a taximeter tested under this regulation shall not be approved for use on any taxi-car if there is an error —
 - (c) of 50 metres, or more, over a distance of 2 kilometres; or
 - (d) of 3%, or more, over the space of 10 minutes.

[Regulation 35 amended in Gazette 31 Aug 1984 p. 2785; 20 Dec 1985 p. 4856; 27 Jun 1997 p. 3147; 28 Jun 2016 p. 2691.]

36. Obligations upon the owner of a taximeter

The owner of a taxi-car to which a taximeter is fitted —

- (a) shall cause the taximeter to be maintained in good order and condition and to be re-adjusted and tested by an authorised person, as may be required, and in any event once in every 12 months after last being tested; and
- (b) on becoming aware that the taximeter is not registering correctly or has become in any way unserviceable or no longer sealed, shall forthwith notify the Director General or an authorised person of that fact; and
- (ba) shall not remove a taximeter from a taxi-car for repair, fare conversion or vehicle replacement for a period exceeding 10 days except with the approval of the Director General; and
- (c) shall not affix or permit to be affixed to the taxi-car any wheels, tyres or gear ratio of a kind other than that which was affixed when the taximeter was last tested, unless the taximeter is then re-tested before use; and
- (d) shall not make any alteration or permit any alteration to be made to the taxi-car that would in any way affect the correct operation of the taximeter; and
- (e) shall not alter or render indistinguishable or illegible the numbers or other markings on the taximeter by which it is identifiable as that previously tested and approved, or cause or suffer it to be done by any person.

[Regulation 36 amended in Gazette 31 Aug 1984 p. 2785; 20 Dec 1985 p. 4856.]

37. Fare chart

The operator of a taxi-car shall, whenever directed by the Director General, but not otherwise, exhibit near the taximeter a fare conversion chart or fare schedule issued, and approved by the Director General.

[Regulation 37 amended in Gazette 20 Dec 1985 p. 4856.]

38. Taximeter not to be manipulated

The operator of a taxi-car shall not manipulate a taximeter in a manner likely to defraud any person.

39. Hire period and operation of taximeter

- (1) A period of hiring of a taxi-car commences —
 - (a) if the taxi-car is engaged at a taxi-stand or as a result of being hailed, upon the entry into the taxi-car of the hirer, or a person accompanying the hirer; or
 - (b) if the taxi-car is engaged to commence the hiring at a specified place, as soon as the hirer, a person accompanying the hirer or a person apparently acting on behalf of the hirer acknowledges the driver after arrival at that place; or
 - (c) if the taxi-car is engaged to commence the hiring at a specified place and at a specified time, on arrival of the taxi-car at that place at, or after, that time.
- (2) A period of hiring of a taxi-car terminates when the taxi-car is free to resume plying for hire.
- (3) A taxi-car driver must set the taximeter in operation at the commencement of a hiring and stop the taximeter at the termination of a hiring.
- (4) If a taxi-car driver stops the taxi-car during the period of a hiring to refuel the taxi-car, consult a road directory or for some other purpose not requested by the hirer, the driver must pause the taximeter until the journey is recommenced.
- (5) This regulation does not apply if —
 - (a) the taxi-car is hired for a contract fare under the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3AA; or

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Part VII Taximeters

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- (b) an off meter rate set out in Schedule 1 of those regulations applies to the journey.

[Regulation 39 inserted in Gazette 28 Jun 2016 p. 2691-2.]

[39A. *Deleted in Gazette 28 Jun 2016 p. 2691-2.]*

Part VIII — Powers of authorised officers and the Director General

[Heading amended in Gazette 20 Dec 1985 p. 4856.]

40. Directions of an authorised officer to be obeyed

Where an authorised officer has reason to believe that any vehicle is being operated as a taxi-car he may —

- (a) stop any car purporting to be a taxi-car to ascertain whether or not the Act and these regulations are being observed; or
- (b) direct an operator, hirer or passenger to answer any question relating to the operation of the vehicle; or
- (c) direct a hirer or passenger to alight from or forbid his entering a taxi-car; or
- (d) direct an owner or driver to produce a taxi-car licence and a driver's licence document for a licence endorsed with extension T or equivalent evidence of authorisation to drive under the *Road Traffic (Authorisation to Drive) Act 2008*,

and any person so directed by an authorised officer shall comply with those directions.

[Regulation 40 amended in Gazette 24 Mar 1995 p. 1113; 24 Jun 2008 p. 2914; 8 Jan 2015 p. 66.]

41. Notice of inspection

- (1) Where an authorised officer is of the opinion that a taxi-car licensed under the Act is —
 - (a) so unclean as to be likely to mark or damage the clothing or luggage of a passenger;
 - (b) unsightly because of damage or rust or is otherwise likely to be objectionable to a passenger;
 - (c) mechanically defective or does not comply with the requirements of these regulations or regulations under

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the *Road Traffic (Vehicles) Act 2012*, or does not comply with conditions imposed on the licence or is equipped with a taximeter or odometer that is materially inaccurate,

he may by notice in writing prohibit the continued operation of the taxi-car and direct the owner or operator to submit the taxi-car within such time as is specified in the notice to a nominated place for inspection.

- (2) An owner or operator who receives a notice under subregulation (1) shall comply with the terms of the notice and shall cause to be rectified any defect that is found during an inspection.

[Regulation 41 inserted in Gazette 31 Aug 1984 p. 2785-6; amended in Gazette 8 Jan 2015 p. 67.]

42. Owner or operator may be directed to attend

The Director General may by notice in writing direct any owner or operator of a taxi-car to attend at a place and time nominated in the notice and the person who receives the notice shall not, without reasonable excuse, fail to comply with the terms of the notice.

[Regulation 42 amended in Gazette 20 Dec 1985 p. 4856.]

43. Statistics may be required

The Director General may require the operator of a taxi-car to maintain and produce on request statistics relating to the operation of the taxi-car in an approved form.

[Regulation 43 amended in Gazette 20 Dec 1985 p. 4856.]

Part IX — Disciplinary procedure

44. Powers of Minister

- (1) Subject to regulation 45 where the Minister has reason to believe —
- (a) that the taxi-car to which a taxi-car licence relates is not being operated at all, or is being operated in a manner that is not in the public interest; or
 - (b) that the conditions attached to any taxi-car licence have been contravened or have not been observed; or
 - (c) that the holder of any taxi-car licence —
 - (i) has been guilty of any act or omission in contravention of these regulations and that the service that is or ought to be provided to the public is thereby prejudiced; or
 - (ii) is not a fit and proper person to operate a taxi-car,

the Minister may —

- (d) cancel, suspend or refuse to renew the taxi-car licence; or
- (e) reprimand the holder of the taxi-car licence; or
- (f) attach any condition to the taxi-car licence or vary any condition already attached thereto; or
- (g) reprimand the holder of the taxi-car licence and attach any condition thereto or vary any condition already attached thereto.

[(2) deleted]

- (3) Subject to regulation 45 where the Minister has reason to believe that a taxi-car licence has been obtained by fraud or misrepresentation the Minister may cancel, suspend or refuse to renew the licence.

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- (4) A decision of the Minister under this regulation may be expressed to be conditional upon terms therein specified, but otherwise has immediate effect.
- (5) Notice in writing of a decision of the Minister under this regulation shall be served on the licensee as soon as practicable after it is made.
- (6) The Minister may, by notice in writing served on the person affected, revoke any decision made under this regulation, either generally or to a specified extent, and may direct in the notice that the revocation have effect from a date specified in the notice.

*[Regulation 44 amended in Gazette 20 Dec 1985 p. 4856;
24 Mar 1995 p. 1113.]*

45. Minister to give notice before exercising certain powers

The Minister shall not cancel, suspend or refuse to renew a taxi-car licence on any one or more of the relevant grounds specified in regulation 44 unless the Minister has, by notice in writing served on the person who is the holder of the licence, called on him to show cause within such reasonable period as is specified in the notice why the Minister should not cancel, suspend or refuse to renew the licence on that ground or those grounds, as the case may require, and the person has, in the opinion of the Minister, failed to show such cause within that period or such further period as the Minister may allow.

*[Regulation 45 amended in Gazette 20 Dec 1985 p. 4856;
24 Mar 1995 p. 1113.]*

46. Review

A person who feels aggrieved by a decision of the Minister under regulation 44 cancelling, suspending or refusing to renew a taxi-car licence may apply to the State Administrative Tribunal for a review of the decision.

[Regulation 46 inserted in Gazette 30 Dec 2004 p. 6961.]

Part X — Offence and penalty

47. Offence and penalty

Every person who contravenes any of the provisions of these regulations is guilty of an offence and is liable —

- (a) for a first offence, to a fine not exceeding \$100; and
- (b) for a second or subsequent offence, to a fine not exceeding \$200.

48. Infringement notices and modified penalties

- (1) For the purposes of section 58A of the Act, the prescribed offences against the Act and these regulations for which infringement notices may be given, and the modified penalties for those offences, are set out in Schedule 2.
- (2) For the purposes of section 58A(3), the prescribed form of infringement notice is Form 1 in Schedule 3.
- (3) For the purposes of section 58A(2), the prescribed form of notice of withdrawal of infringement notice is Form 2 in Schedule 3.

[Regulation 48 inserted in Gazette 14 Jul 2006 p. 2577.]

Schedule 1 — Fees

[r. 8, 10, 11, 14 and 17]

[Heading inserted in Gazette 23 Jun 2017 p. 3271.]

| Item | Description | \$ |
|-------------|--|-----------|
| 1. | Administration fee for issuing taxi-car licence (r. 8(2)) | 213.70 |
| 2. | Fee for issuing or renewing ordinary taxi-car licence (r. 8(2) and 10(1)) | 213.70 |
| 3. | Fee for transferring ordinary taxi-car licence (r. 11(3)) | 224.85 |
| 4. | Fee for issuing number plates for vehicle licensed as taxi-car (r. 14(1)) | 43.75 |
| 5. | Fee for authorising operation of vehicle in substitution for vehicle under repair (r. 17(1)) | 75.30 |

[Schedule 1 inserted in Gazette 23 Jun 2017 p. 3271.]

Schedule 2 — Modified penalties

[r. 48(1)]

[Heading inserted in Gazette 14 Jul 2006 p. 2578.]

| Item | Section of Act or Regulation | Description of offence | Modified penalty |
|-------------|-------------------------------------|---|--|
| 1 | s. 50(1)(a) | Operating public vehicle to consign, send or convey goods or passengers without appropriate licence | \$500 for an individual \$1 000 for a corporation |
| 2 | s. 53 | Owner or driver of public vehicle failing to comply with terms and conditions of licence | \$200 |
| 3 | r. 14(2) | Failing to return number plate issued in respect of taxi-car within 14 days after licence comes to end | \$50 |
| 4 | r. 24 | Driver failing to be clean and neat | \$50 |
| 5 | r. 25(a) | Driver failing to conduct himself in orderly manner, with civility and propriety or failing to comply with reasonable requirement of hirer or passenger | \$50 |
| 6 | r. 25(b) | Driver failing to afford reasonable assistance to passenger | \$50 |
| 7 | r. 25(d) | Driver failing to carry driver's licence or produce it upon request of authorised officer | \$50 |
| 8 | r. 25(e) | Driver failing to be constantly in attendance on taxi-car when standing for hire | \$50 |

Transport (Country Taxi-car) Regulations 1982**Schedule 2** Modified penalties

| Item | Section of Act or Regulation | Description of offence | Modified penalty |
|-------------|-------------------------------------|---|-------------------------|
| 9 | r. 26(1) | Driver refusing a hiring or failing to carry out a hiring otherwise than in accordance with regulations 26(2) and (3) | \$50 |
| 10 | r. 26(4) | Passenger failing to alight from taxi-car when requested to do so | \$50 |
| 11 | r. 26B | Refusing to transport a guide dog that is accompanying a passenger who is visually or hearing impaired | \$50 |
| 12 | r. 27 | Driver failing to drive by shortest practicable route | \$50 |
| 13 | r. 27A | Driver failing to display approved identification card in manner directed by Director General | \$50 |
| 14 | r. 35 | Operator of taxi-car failing to cause taximeter to be regulated to record components of Schedule 1 fares as defined in <i>Transport (Country Taxi-cars Fares) Regulations 1991</i> or to submit the vehicle for inspection, testing and sealing | \$50 |
| 15 | r. 36(ba) | Owner of taxi-car removing taximeter for more than 10 days without approval of Director General | \$50 |
| 16 | r. 36(d) | Owner of taxi-car making or permitting alteration to taxi-car that would affect correct operation of taximeter | \$50 |
| 17 | r. 38 | Operator of taxi-car manipulating taximeter in manner likely to defraud | \$50 |

| Item | Section of Act or Regulation | Description of offence | Modified penalty |
|-------------|-------------------------------------|--|-------------------------|
| 18 | r. 39(3) and (4) | Offences relating to setting, stopping or pausing taximeter | \$50 |
| 19 | r. 41(2) | Owner or operator of taxi-car failing to comply with terms of notice received under r. 41(1) or rectify defect found during inspection | \$50 |

[Schedule 2 inserted in Gazette 14 Jul 2006 p. 2578-9; amended in Gazette 28 Jun 2016 p. 2692.]

FORM 1

Schedule 3 — Forms

[r. 48(2) and (3)]

[Heading inserted in Gazette 14 Jul 2006 p. 2580.]

FORM 1

TRANSPORT CO-ORDINATION ACT 1966 — section 58A
TRANSPORT (COUNTRY TAXI-CAR) REGULATIONS 1982 —
 regulation 48(2)

Western Australia

Department for Planning and Infrastructure²

TAXI INFRINGEMENT NOTICE

PART “B” This space for cash register imprint
 To be retained by Cashier.
 OFFICE COPY ONLY
 Please do not detach from Part “A”

PART “A”
 OFFICIAL RECEIPT
 DEFENDANT’S COPY
 No.
 Issue Date/...../.....

Sex [] Date of birth []/[]/[]

M
 Surname (Block Letters) Other Names in full MDL Number

Address
 Number and Street Town or Suburb Postcode

Particulars of Taxi

Plate No. Annual fee due
/.....
 Make Model Colour
 Company

It is alleged that at hours on day of 20 at
 that you committed the offence indicated
 hereunder.

.....

 Description of Offence

FORM 1

Penalty \$ [] [] []

No.

.....
Signature of authorised person

Take notice that —

If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may pay to an officer specified on the reverse side of this notice, within 28 days, the total amount specified.

If that amount is not paid within 28 days, additional administrative charges may be incurred and action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.

Payment may be made —

- (i) by post to —

[Insert appropriate address here]

- (ii) by hand to —

Clerk of Courts³ —

Albany, Armadale, Broome, Bunbury, Busselton, Carnarvon, Collie, Derby, Esperance, Fremantle, Geraldton, Harvey, Kalgoorlie, Karratha, Katanning, Kununurra, Mandurah, Manjimup, Merredin, Moora, Midland, Narrogin, Northam, Pinjarra, Port Hedland, Roebourne, Rockingham and Perth —
Magistrates Court⁴, Level 2, Central Law Courts, 30 St George’s Terrace.

A receipt will not be mailed unless requested.

Payments will not be accepted at any Department for Planning and Infrastructure² offices.

Inquiries should be made in writing and forwarded by post to —

[Insert appropriate address here]

TAXI INFRINGEMENT NOTICE CREDIT CARD SLIP

Do not detach — Return complete document with payment to —

[Insert appropriate address here]

Please debit my credit card account —

Bankcard []

Mastercard []

Visacard []

Card Number []

Transport (Country Taxi-car) Regulations 1982
Schedule 3 Forms

FORM 1

Amount [] [] [] [] []

Cardholder Name:

Signature: Expiry Date:/...../.....

*[Form 1 inserted in Gazette 14 Jul 2006 p. 2580-1; amended in
Gazette 20 Aug 2013 p. 3848.]*

FORM 2

TRANSPORT CO-ORDINATION ACT 1966 — section 58A

TRANSPORT (COUNTRY TAXI-CAR) REGULATIONS 1982 —
regulation 48(3)

Western Australia

Department for Planning and Infrastructure²

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.

Name

Address

Dear Sir/Madam

Notice of withdrawal of proceedings

Infringement Number

Date

Time

Code

Description

Take notice that I, being authorised to do so, hereby withdraw proceedings under the *Transport Co-ordination Act 1966* in relation to the infringement notice issued for the above offence.

Director General

Date

[Form 2 inserted in Gazette 14 Jul 2006 p. 2581.]

=====

Notes

- ¹ This reprint is a compilation as at 6 October 2017 of the *Transport (Country Taxi-car) Regulations 1982* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|--|---|
| <i>Transport (Country Taxi-car) Regulations 1982</i> | 23 Jul 1982 p. 2853-61 (erratum 30 Jul 1982 p. 2957) | 1 Aug 1982 (see r. 2 and <i>Gazette</i> 23 Jul 1982 p. 2842) |
| <i>Transport (Country Taxi-car) Amendment Regulations 1984</i> | 31 Aug 1984 p. 2783-6 (erratum 26 Oct 1984 p. 3459) | 30 Sep 1984 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations 1985</i> | 20 Dec 1985 p. 4856 | 1 Jan 1986 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations 1986</i> | 7 Feb 1986 p. 431-2 | 10 Feb 1986 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 1986</i> | 8 Aug 1986 p. 2827 | 8 Aug 1986 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 3) 1986</i> | 28 Nov 1986 p. 4386-7 | 28 Nov 1986 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 4) 1986</i> | 28 Nov 1986 p. 4387-8 | 1 Dec 1986 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations 1987</i> | 30 Jan 1987 p. 258 | 2 Feb 1987 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 1987</i> | 27 Feb 1987 p. 503 | 2 Mar 1987 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 3) 1987</i> | 16 Apr 1987 p. 1371 | 16 Apr 1987 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 4) 1987</i> | 19 Jun 1987 p. 2388 | 22 Jun 1987 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 5) 1987</i> | 28 Aug 1987 p. 3438-9 | 1 Sep 1987 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 6) 1987</i> | 18 Dec 1987 p. 4461 | 25 Dec 1987 (see r. 2) |

Transport (Country Taxi-car) Regulations 1982

| Citation | Gazettal | Commencement |
|---|--|------------------------|
| <i>Transport (Country Taxi-car) Amendment Regulations 1988</i> | 11 Mar 1988 p. 786 | 11 Mar 1988 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 1988</i> | 17 Jun 1988 p. 1951-2 | 17 Jun 1988 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 3) 1988</i> | 15 Jul 1988 p. 2452-3 | 15 Jul 1988 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 4) 1988</i> | 30 Sep 1988 p. 3981-2 | 30 Sep 1988 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 5) 1988</i> | 9 Dec 1988 p. 4827 | 9 Dec 1988 |
| <i>Transport (Country Taxi-car) Amendment Regulations 1989</i> | 24 Feb 1989 p. 529 | 24 Feb 1989 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 1989</i> | 26 May 1989 p. 1553 | 26 May 1989 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 3) 1989</i> | 21 Jul 1989 p. 2222-5 | 21 Jul 1989 |
| <i>Transport (Country Taxi-car) Amendment Regulations 1990</i> | 2 Mar 1990 p. 1351-2 | 2 Mar 1990 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 1990</i> | 20 Jul 1990 p. 3544-5 (erratum 3 Aug 1990 p. 3794) | 20 Jul 1990 |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 3) 1990</i> | 30 Nov 1990 p. 5941 | 30 Nov 1990 |
| <i>Country Taxi-cars (Fares and Charges) Regulations 1991 r. 8</i> | 19 Apr 1991 p. 1815-20 | 19 Apr 1991 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations 1991</i> | 27 Sep 1991 p. 5074 | 27 Sep 1991 |
| <i>Transport (Country Taxi-car) Amendment Regulations 1992</i> | 23 Jun 1992 p. 2635 | 1 Jul 1992 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations 1993</i> | 29 Jun 1993 p. 3186-7 | 1 Jul 1993 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations 1995</i> | 24 Mar 1995 p. 1112-13 | 24 Mar 1995 |
| <i>Transport (Country Taxi-car) Amendment Regulations 1997</i> | 27 Jun 1997 p. 3146-7 | 1 Jul 1997 (see r. 2) |
| Reprint of the <i>Transport (Country Taxi-car) Regulations 1982</i> as at 8 May 1998 (includes amendments listed above) | | |

Transport (Country Taxi-car) Regulations 1982

| Citation | Gazettal | Commencement |
|---|---------------------------|--|
| Reprint 2: The Transport (Country Taxi-car) Regulations 1982 as at 2 Apr 2004 (includes amendments listed above) | | |
| <i>Transport (Country Taxi-car) Amendment Regulations 2004</i> | 30 Dec 2004 p. 6961 | 1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 2006</i> | 23 Jun 2006 p. 2229 | 1 Jul 2006 (see r. 2) |
| <i>Transport (Country Taxi-car) Amendment Regulations 2006</i> | 14 Jul 2006 p. 2575-81 | 14 Jul 2006 |
| <i>Transport (Country Taxi-car) Amendment Regulations 2007</i> | 22 Jun 2007 p. 2874-5 | r. 1 and 2: 22 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)) |
| <i>Transport (Country Taxi-car) Amendment (Road Traffic) Regulations 2008</i> | 24 Jun 2008 p. 2913-14 | r. 1 and 2: 24 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jun 2008 (see r. 2(b) and <i>Gazette</i> 10 Jun 2008 p. 2471) |
| <i>Transport (Country Taxi-car) Amendment Regulations 2008</i> | 1 Jul 2008 p. 3160-1 | r. 1 and 2: 1 Jul 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Jul 2008 (see r. 2(b)) |
| Reprint 3: The Transport (Country Taxi-car) Regulations 1982 as at 30 Jan 2009 (includes amendments listed above) | | |
| <i>Transport (Country Taxi-car) Amendment Regulations 2009</i> | 30 Jun 2009 p. 2663-5 | r. 1 and 2: 30 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 2009</i> | 8 Sep 2009 p. 3525 | r. 1 and 2: 8 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Sep 2009 (see r. 2(b)) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 3) 2009</i> | 31 Dec 2009 p. 5419 | r. 1 and 2: 31 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2010 (see r. 2(b)) |
| <i>Transport (Country Taxi-car) Amendment Regulations 2010</i> | 18 Jun 2010 p. 2698-9 | r. 1 and 2: 18 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b)) |

Transport (Country Taxi-car) Regulations 1982

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| Reprint 4: The Transport (Country Taxi-car) Regulations 1982 as at 6 Aug 2010 (includes amendments listed above) | | |
| <i>Transport (Country Taxi-car) Amendment Regulations 2011</i> | 17 May 2011 p. 1826 | r. 1 and 2: 17 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| <i>Transport (Country Taxi-car) Amendment Regulations 2012</i> | 5 Jun 2012 p. 2366-7 | r. 1 and 2: 5 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b)) |
| <i>Transport (Country Taxi-car) Amendment Regulations 2013</i> | 20 Aug 2013 p. 3848 | r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815) |
| <i>Transport (Country Taxi-car) Amendment Regulations (No. 2) 2014</i> | 27 Jun 2014 p. 2355-6 | r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)) |
| <i>Transport (Country Taxi-car) Amendment Regulations 2014</i> | 8 Jan 2015 p. 65-7 | r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371) |
| <i>Transport (Country Taxi-car) Amendment Regulations 2015</i> | 12 Jun 2015 p. 2035 | r. 1 and 2: 12 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| <i>On-demand Transport Regulations Amendment (Fees) Regulations 2016 Pt. 3</i> | 27 May 2016 p. 1554-6 | 1 Jul 2016 (see r. 2(b)) |
| <i>On-demand Transport Regulations Amendment Regulations 2016 Pt. 6</i> | 28 Jun 2016 p. 2655-92 | 4 Jul 2016 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2017 Pt. 7</i> | 23 Jun 2017 p. 3253-78 | 1 Jul 2017 (see r. 2(b)) |
| Reprint 5: The Transport (Country Taxi-car) Regulations 1982 as at 6 Oct 2017 (includes amendments listed above) | | |

² Under the *Alteration of Statutory Designations (DPI) Order 2009* a reference in a law to the Department of Planning and Infrastructure is to be read and construed as a reference to the Department of Transport.

³ Now known as the registrar of the Magistrates Court.

⁴ Under the *Courts Legislation Amendment and Repeal Act 2004* s. 58 a reference in a written law to a court of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the Magistrates Court. The reference was changed under the *Reprints Act 1984* s. 7(5)(a).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|---------------------------------|---------------------|
| approved | 4 |
| authorised officer | 4 |
| for hire sign | 29(4) |
| ordinary taxi-car licence | 4 |
| regulation | 4 |
| subregulation..... | 4 |
| taxi-car licence..... | 4 |
| taxi for hire sign..... | 29(4) |
| taxi sign..... | 29(4) |
| temporary taxi-car licence..... | 4 |